

15A NCAC 02D .1906 DELEGATION TO COUNTY GOVERNMENTS

(a) The governing body of any county or municipality or group of counties or municipalities may establish a partial air pollution control program to implement and enforce this Section provided that the program complies with G.S. 143-215.112.

(b) The governing body shall submit to the Director documentation demonstrating that the requirements of G.S. 143-215.112 have been met. Within 90 days after receiving the submission from the governing body, the Director shall review the documentation to determine if the requirements of G.S. 143-215.112 have been met and shall present his or her findings to the Commission. If the Commission determines that the air pollution program meets the requirements in G.S. 143-215.112, it shall certify the local air pollution program to implement and enforce this Section within its area of jurisdiction.

(c) County and municipal governments shall not have the authority to issue permits for air curtain incinerators at a permanent site as defined in 15A NCAC 02D .1904.

(d) The three certified local air pollution programs, the Western North Carolina Regional Air Quality Agency, the Forsyth County Office of Environmental Assistance and Protection, and Mecklenburg County Air Quality, a Division of Land Use and Environmental Services Agency, shall continue to enforce open burning rules and have the authority to issue permits for air curtain incinerators as part of their local air pollution programs.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.112;
Eff. July 1, 1996;
Amended Eff. December 1, 2005; June 1, 2004;
Readopted Eff. September 1, 2019.*